

The Gazette of India

EXTRAORDINARY

PART II—Section 2

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RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 7th May, 1959:—

BILL NO. X OF 1959

A Bill to provide for the vesting in the Central Government of the properties of the Institution known as the Lady Hardinge Medical College for Women and Hospital for Women and Children, Delhi, and for the better administration thereof.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Lady Hardinge Medical College and Hospital Act, 1959.

Short title
and com-
mencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “appointed day” means the day on which this Act comes into force;

(b) “Board” means the Board constituted under the Scheme for the administration of the Institution;

(c) “Institution” means the Institution known as the Lady Hardinge Medical College for Women and Hospital for Women and Children, Delhi;

(d) "Scheme" means the scheme for the administration of the Institution settled by the Central Government under sub-section (1) of section 5 of the Charitable Endowments Act, 1890, 6 of 1890. and published in the Gazette of India, dated the 20th June, 1953, as Notification No. S.R.O. 1167, dated the 12th June, 1953, as amended by Notification No. S.R.O. 1056, dated the 14th March, 1957, published in the Gazette of India, dated the 6th April, 1957;

(e) "Treasurer" means the Treasurer of Charitable Endowments for India appointed under the Charitable Endowments Act, 1890. 6 of 1890.

Vesting of
Institution
in Central
Government.

3. On the appointed day—

(a) the Institution together with—

(i) the lands described in the Schedule and all buildings, erections and fixtures thereon,

(ii) all furniture, equipments, stores, drugs and moneys of the Institution, and

(iii) all other properties and assets of the Institution which immediately before the appointed day vested in the Treasurer,

shall stand transferred to, and vested in, the Central Government;

(b) the Scheme shall stand cancelled; and

(c) the Board shall stand dissolved.

General
effect of
vesting of
Institution.

4. (1) All contracts, agreements and other instruments of whatever nature subsisting or having effect immediately before the appointed day and to which the Treasurer or the Board is a party or which are in favour of the Treasurer or the Board shall be of as full force and effect against or in favour of the Central Government and may be enforced or acted upon as fully and effectually as if, instead of the Treasurer or the Board, the Central Government had been a party thereto or as if they had been entered into or issued in favour of the Central Government.

(2) All debts and other liabilities of the Institution subsisting immediately before the appointed day shall be deemed to be debts and liabilities of the Central Government as from the appointed day.

(3) Every person employed in connection with the affairs of the Institution immediately before the appointed day shall become an employee of the Central Government, and shall hold his office therein by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, gratuity and other matters as he would have held the same on the appointed day if this Act had not been passed, and shall continue to do so unless and until his employment in the Institution is terminated or until his remuneration, terms and conditions are duly altered by the Central Government :

Provided that nothing contained in this sub-section shall apply to any such employee who has, by notice in writing given to the Central Government prior to the appointed day, intimated his intention of not becoming an employee of the Central Government.

14 of 1947. (4) Notwithstanding anything contained in the Industrial Disputes Act, 1947, or any other law for the time being in force, the transfer of the services of any employee to the Central Government shall not entitle any such employee to any compensation under that Act or other law, and no such claim shall be entertained by any court, tribunal or other authority.

5. On or after the appointed day, the Institution shall be administered by the Central Government as a Government Institution but in administering the properties now transferred to and vested in the Central Government regard shall be had to the purposes set out in the Scheme.

Institution to be administered as a Government Institution.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying into effect the purposes of this Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the constitution of one or more Committees for the purpose of advising the Government in the administration of the Institution;

(b) the terms and conditions of service of the employees of the Institution;

(c) the admission of students and the award of scholarships to them; and

(d) any other matter connected with the Institution for which provision requires to be, or may be, made.

(3) All rules made under this Act shall be laid for not less than thirty days before each House of Parliament as soon as may be after they are made, and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.

THE SCHEDULE

[See section 3 (a)]

DESCRIPTION OF LAND

The land in Survey No. CE 2370 measuring 49·82 acres in all,
LDO No. 94

situate on Punchkuin Road bounded as follows:—

North—Punchkuin Road

South—Lady Hardinge Road

East—Connaught Circus

West—Baird Road.

STATEMENT OF OBJECTS AND REASONS

In 1912 Lady Hardinge collected funds for starting a medical college for women to be staffed entirely by women, with a hospital for women attached to it, in commemoration of the visit to Delhi in 1911 of the Queen of England. The college started functioning in 1916 and was managed by an *ad hoc* Committee. The management of the Committee proved unsatisfactory and in 1927 it was taken over by the Association for the Control and Management of the Lady Hardinge Medical College for Women and Hospital for Women and Children, Delhi, a Society registered under the Societies Registration Act, 1860, which set up a Governing Body to manage the Institution. In 1953, on the application and with the consent of the Association, the Government of India settled a scheme under section 5 of the Charitable Endowments Act, 1890, to manage the affairs of the Institution. Under this Scheme, the main purpose for which the Association was established was retained intact but the management of the Institution was vested in a Board of Administration and the Association became defunct. The inspectors appointed by the Medical Council of India and the University of Delhi have from time to time pointed out the need for improving this Institution. The Government of India is satisfied that the Institution can be administered to the best advantage of the students only if it is administered by the Central Government as a Government Medical College and Hospital. This Bill seeks to achieve this object.

D. P. KARMAKAR.

NEW DELHI;

The 29th April, 1959.

FINANCIAL MEMORANDUM

The Lady Hardinge Medical College and Hospital is maintained from Government grants paid to it every year on "cover the deficit basis". The amount of such grant paid to this Institution has varied from year to year. During the year 1958-59, a grant-in-aid of Rs. 25 lakhs was paid to meet the recurring expenses of this Institution. For the year 1959-60, a provision of Rs. 30 lakhs has been made. Besides this, the Government of India is incurring expenditure on the construction of buildings and the purchase of equipment required for the expansion of this Institution. The Government of India will continue to meet expenditure on this Institution from the Consolidated Fund of India as heretofore. There will, therefore, be no extra expenditure to Government on account of the proposed revised arrangement.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Under clause 5, the Institution has to be administered by the Central Government as a Government Institution and rules will, therefore, have to be made with regard to the recruitment of staff and their terms and conditions of service, the admission of students and the awarding of scholarships to them, the use of the college properties and other similar matters. The rule-making power is of a normal character.

S. N. MUKERJEE,
Secretary.